



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 29, 2000

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Benjamin L. Ginsberg, Esquire
Patton Boggs, LLP
2550 M Street, NW
Washington, D.C. 20037-1350

RE: MUR 4894

Dear Mr. Ginsberg:

On May 4, 1999, the Federal Election Commission received your complaint alleging certain violations of the Federal Election Campaign Act of 1971, as amended ("the Act").

After considering the circumstances of this matter, the Commission has determined to exercise its prosecutorial discretion and to take no action against the respondents. See attached narrative. Accordingly, the Commission closed its file in this matter on February 29, 2000. This matter will become part of the public record within 30 days.

The Act allows a complainant to seek judicial review of the Commission's dismissal of this action. See 2 U.S.C. § 437g(a)(8).

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Velasquez, Jr.", is written over the typed name.

John R. Velasquez, Jr.
Acting Central Enforcement Docket Supervisor

Attachment
Narrative

MUR 4894
Zack Exley

Benjamin Ginsberg alleges that www.gwbush.com and Zack Exley, owner and operator of the web site, failed to include the proper independent expenditure disclaimer; failed to file independent expenditure reports; failed to register and report as a political committee; and may be in violation of 2 U.S.C. § 441b if the site is being disseminated by a corporate entity. Mr. Ginsberg contends that the site is designed to damage Governor Bush's presidential effort.

Zack Exley responds that he has not expended more than \$250 per year for the web site up to this point. He notes, however, that the media attention about the complaint generated by the George W. Bush presidential campaign has created considerable additional traffic to his site that he believes may substantially increase his internet service fees beyond \$250. Mr. Exley further asserts that the intention of establishing his web site was not to influence the upcoming presidential election, but only to convey his opinion regarding Gov. Bush's past "indiscretions."

There is no evidence of serious intent to violate the FECA, and this matter is less significant relative to other matter pending before the Commission.